Remarks

Claims 1, 2, 4 to 8, 10, 11 and 13 to 17 remain in this application.

Claims 1, 4 and 5 have been amended in light of the Examiner's comments concerning the meaning of the terms of the claims and each is believed to be in conformance with the provisions of 35 USC 112.

Reconsideration of the rejection of claim 1 as being anticipated by Kanevsky is requested.

The Examiner notes that claim 1 never explicitly recites that the spoken response to the challenge phrase is the challenge phrase itself repeated back by the user and that the claim does not require that the response be the phrase itself. *This is correct.* For example, if the challenge phrase is "Mary had a little lamb" and the user responds "whose fleece was white as snow", there would not be a match between the spoken response (the second signal) and the challenge phrase and the second validation signal would not be generated. On the other hand, if the user responds "Mary had a little lamb", there would be a match between the spoken response (the second signal) and the challenge phrase and the second validation signal would be generated.

Kanevsky's randomly generated question and answer pass phrase security system requires the user to answer the question and not repeat the question.

The examiner states that the Kanevsky database is specifically used to generate questions, and that there must clearly be some sort of language rule used to generate these questions. No issue is taken in this respect; however,

11

Kanevsky has a different language rule that generates a question from a user's data base anticipating an answer from a user's data base. In contrast, claim 1 generates a one-time challenge phrase that is a one-time security pass phrase and must have a high degree of randomness so that each generated one-time challenge phrase should rarely, if ever, be generated again.

The examiner argues that Kanevsky supports a 'match' via matching of a valid question and with a corresponding answer. However, claim 1 requires "delivering said one-time challenge phrase to said station for the user to speak".

In view of the above, a rejection of claim 1 as being anticipated by Kanevsky is not warranted pursuant to the provisions of 35 USC 102.

Claim 2 is directed to a method comprising the steps of, *inter alia*, "delivering a randomly generated one-time challenge phrase . . . for the user to speak . . . generating a second signal representative of a spoken response to said challenge phrase;". In Kanevsky the user does not speak the "question" as is required by claim 2. For this reason alone and for the reasons expressed above with respect to claim 1, a rejection of claim 2 as being anticipated by Kanevsky is not warranted pursuant to the provisions to 35 U.S.C. 102.

Claim 4 contains recitations similar to claim 1 and is believed to be allowable over Kanevsky for similar reasons.

Method claim 5 contains recitations similar to claim 2 and is believed to be allowable over Kanevsky for similar reasons.

Claims 6 and 7 depend from claims 5 and 2 respectively and are believed to be allowable for similar reasons. Further each claim requires a user to select a

12

word phrase as a private and personal challenge phrase. Kanevsky does not provide any teaching that the user is to select the random question. Accordingly, a rejection of either of claims 6 and 7 as anticipated by Kanevsky is not warranted pursuant to the provisions to 35 U.S.C. 102.

Claim 8 depends from claim 2 and requires the step of establishing a session time out limit in response to said first signal. The Examiner alleges that this is obvious based on Official Notice. It is respectfully requested that the Examiner provide his affidavit in this regard pursuant to 37 CFR 1.104(d)(2).

Claim 10 depends from claim 2 and requires the randomly generated one-time challenge phrase to be a language subset specific to a subject area. [see paragraph 0041 in Applicant's published application 2002/0104027]

Claim 11 depends from claim 5 and contains recitations as in claim 8.

Claim 13 depends from claim 5 and contains recitations as in claim 10.

Claim 14 depends from claim 5 further comprising the steps of encrypting and digitally signing a spoken response to said one-time challenge phrase prior to said step of comparing said spoken response to the stored biometric models. [Valene –how can the spoken response be compared once encrypted?]

Claim 15 has been amended to clarify the difference between a "present" user of the security system and the "authorized" users; and to clarify the operation of the controller. Antecedent basis for "said first data base" in line 11 appears in line 5. As such claim 15 is believed to be in conformance with 35 USC 112.

13

Claim 16 has been amended in similar regard to claim 15. As such claim 16 is believed to be in conformance with 35 USC 112.

Reconsideration of the rejection of claims 15 and 16 as being unpatentable over Kanevsky in view of Kashani is requested.

Kanevsky states at column 6, lines 25 to 27, "Next, utilizing the specific information from the identified user's database, the server 22 generates a **random question** (or multiple random questions) for the user via link 36. The user answers the random question(s) which is sent back to the server 22 via link 38." The questions generated by the server 22 are previously programmed into the server. (See column 7, lines 41 to 63). There is no database having a plurality of words and language rules for generating one-time challenge phrases as alleged by the Examiner. For this reason alone, any modification of Kanevsky with the teachings of Kashani would not result in the claimed apparatus. Accordingly, a rejection of claim 15 as being unpatentable over Kanevsky in view of Kashani is not warranted pursuant to the provisions of 35 USC 103.

As described at column 6, lines 16 to 24 in Kanevsky, a potential user 12 calls a central server 22 and identifies himself via his name, and requests access to the service/facility. The central server 22 then submits the utterance of the user's name and request to automatic speech recognizer (ASR) 28. The server 22 then accesses a database via link 30 corresponding to the user (candidate) identified during the identification claim. There is no teaching at column 6, lines 16 to 24 of a biometric model of the user as alleged by the Examiner. For this additional reason, any modification of Kanevsky with the teachings of Kashani

14

would not result in the claimed apparatus. Accordingly, a rejection of claim 15 as being unpatentable over Kanevsky in view of Kashani is not warranted pursuant to the provisions of 35 USC 103.

As acknowledged by the Examiner, in Kanevsky, the user responds to a question by speaking an answer. The user does not speak the question.

Kashani records the vocabulary of the user to construct a sentence of words in random order. In comparison, claim 15 generates a one-time challenge phrase from words (e.g. a dictionary) and language rules and not a limited set of user recorded words.

Kashani records words to be used for a subsequent voice recognition comparison and rejects upon access if any word of a constructed sentence of user recorded words is mispronounced. In comparison, claim 15 uses speaker verification to match the speech from a one-time challenge phrase to a user's stored biometric model. Mispronunciation does not affect the biometric match negatively since it is not based on matching previous recordings.

As noted above, in Kanevsky, the user responds to a question by speaking an answer. The user does not speak the question. Hence, requiring the user to speak the **question** precisely, as the Examiner proposes from the teachings of Kashani, is contrary to the teachings of Kanevsky. Likewise, requiring the user to speak an **answer** precisely would not result in the claimed system. Accordingly, a rejection of claim 15 as being unpatentable over Kanevsky in view of Kashani is not warranted pursuant to the provisions of 35 USC 103.
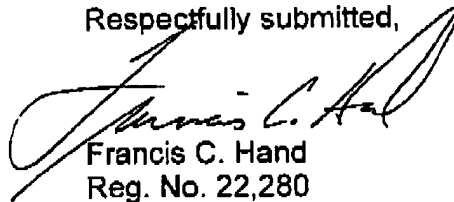
Claim 16 contains recitations similar to claim 15 and is believed to be allowable for similar reasons.

Claim 17 contains recitations similar to claim 14 and is believed to be allowable for similar reasons. Claim 17 has been added to further define the scope of the invention.

Should the Examiner have any concerns with respect to the language of the claims, it is respectfully requested that the Examiner telephone the undersigned to resolve such.

The application is believed to be in condition for allowance and such is respectfully requested.

Respectfully submitted,

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16